

# Minutes of the Veneta City Council Meeting

## August 10, 2020

**Present:** Keith Weiss, Mayor; Thomas Cotter, Council President; Calvin Kenney, Councilor (via telephone); Robbie McCoy, Councilor; Pat Coy, Councilor

**Others:** Matt Michel, City Administrator; Shauna Hartz, Finance Director; Evan MacKenzie, Community Development Director; Jana Weaver, Management Analyst; Darci Henneman, City Recorder; Pastor Deena Wolfe and a member from Valley United Methodist Church; Terah Van Dusen, Fern Ridge Review (via telephone)

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### 1. CALL TO ORDER

Mayor Weiss called the Veneta City Council to order at 6:29 p.m.

### 2. PUBLIC COMMENT

None

### 3. CONSENT AGENDA

**MOTION:** Councilor Cotter made a motion to approve the consent agenda as presented.

**Councilor Robbie McCoy seconded the motion.**

**VOTE:** Councilor Calvin Kenney, aye; Councilor Thomas Cotter, aye; Mayor Keith Weiss, aye; Councilor Robbie McCoy, aye; Councilor Pat Coy, aye.

The consent agenda as approved includes Minutes for July 13, 2020, Accounts Payable - Paid Invoices Through July 22, 2020, Unpaid Invoices Through August 6, 2020, Civic Calendar for September 2020, Public Works Activity Report for June, 2020, Planning and Building Activity Report for June, 2020, WildCraft Cider Works OLCC Permit for 2020 Pop-Up Retail District, City of Veneta Street Closure Permit for 2020 Pop-Up Retail District, Mid Lane Cares Banner, Noise Variance, and Street Closure Permits for 2020 Harvest Festival (pending receipt of Certificates of Insurance).

### 4. COUNCIL BUSINESS AND REPORTS

#### a. Business

#### (1) Lane County Sheriff's Office Activity Report for July, 2020

Sgt. Sieczkowski thanked the Council and he said July was pretty consistent with past months. He said there were 37 Property calls that generated 17 case numbers; 35 Person calls that generated 4 case numbers; 95 Public Order calls but no case numbers were generated; 27 Individual Welfare calls that generated 4 case numbers; Vehicle calls were down from 40 to 25 but generated 7 case numbers; 6 Offenses Against State calls all generating case numbers; 4 Civil calls with no case numbers; and 34 calls to the Skate Park but no case numbers. He said there were no dramatic spikes either way for July.

In response to a question from Mayor Weiss, Sgt. Sieczkowski said locally, LCSO raised about \$1400 to provide \$100 or so to families in need and for those that haven't received unemployment benefits yet.

Mayor Weiss commended Sgt. Sieczkowski and his deputies for doing this.

#### (2) City of Veneta Request to Waive \$40 Street Closure Fee for 2020 Pop-Up Retail District

**MOTION:** Councilor Cotter made a motion to waive the \$40 street closure permit fee in order to close 3<sup>rd</sup> St. from W. Broadway to Brooker Ln. for the 2020 Veneta Downtown Pop-Up Retail District. Councilor Coy seconded the motion which passed with a vote of 5-0.

(3) Mid Lane Cares Request to Waive \$40 Street Closure Permit Fee for 2020 Harvest Festival

**MOTION:** Councilor Cotter made a motion to waive the \$40 street closure permit fee for Mid Lane Cares in order to close W. Broadway from 4<sup>th</sup> St. to Territorial Rd. and 2<sup>nd</sup> and 3<sup>rd</sup> Streets from W. Broadway to Brooker Ln. for the 2020 Harvest Festival. Councilor McCoy seconded the motion which passed with a vote of 5-0.

b. Council/Committee Liaison Reports

Councilor Kenney said he plans to attend the Lane ACT meeting this Wednesday.

Councilor Coy said the Park Board met last week. He said there was not a quorum but Schauer and MacKenzie both brought the board up to speed with the City Park improvements and the Parks survey. He said hopefully will have a full Board at the September meeting. He said the Veneta Homeless Advocacy Board (VHAB) meeting was two weeks ago.

Councilor McCoy said the Chamber board meeting is this Wednesday and they will discuss the Pop up District and the Harvest Festival chili cook-off.

Councilor Cotter said the Economic Development Committee (EDC) had a significant step forward this weekend with the new fiber lease.

**5. STAFF REPORTS**

a. Management Analyst.....Jana Weaver

(1) Request to Authorize Renewal of Transitional Camping Site Permit Agreement with Valley United Methodist Church (VUMC)

Weaver said this Agreement was entered into August 2019 and is up for renewal. In this first trial year, we've learned a lot about this program and five transitional campers have been hosted on two sites. The biggest challenge is campers violating the code of conduct. One couple is still there even though they have been asked to leave several times. LCSO said a writ of assistance or court order needs to be issued in order to legally have the couple removed from the site. VUMC is also amending the code of conduct to include drug testing requirements. She said neighbors have also complained about the visibility of the camp. She reviewed the options and said staff is recommending a two month extension be granted to allow time to understand the writ of assistance process that will allow this matter to move forward.

In response to a question from Councilor Coy, Pastor Deena Wolfe said the troublesome couple is still on site. She said the Church's legal counsel advised they need to get an order of eviction first then the writ of assistance. She said one camper is getting a lot of benefit from the program and is a success story.

In response to a question from Councilor Coy, Sgt. Sieczkowski said in order to remove them from the property, a Writ of Assistance has to be issued through the Lane County court system.

Pastor Wolfe said she was given the advice to hire an attorney to draft the forms and present the documents to the Court for the Writ of Assistance. She said once the Church has the forms, if and when this comes up in the future, a Church representative can complete the process. She said the Church is also thinking they won't allow couples.

Mayor Weiss said this is a terrific program VUMC is trying to do and the City should continue to be as supportive as we can to assist VUMC and this program.

Councilor Cotter said he read the contract, which he confirmed with Michel is the current

contract we're working under. He said it's an issue to evict people for moral conduct and we have to be careful that we're not forcing someone to change the way they live. He asked if City legal counsel provided an opinion on the Council granting a two month extension to continue the eviction process. He believes each time a camper is going to be removed, the same eviction process should be followed.

Pastor Wolfe said they're not being removed because their behavior isn't moral. She said Church staff hasn't witnessed illegal behavior but if they were to, it would be a criminal matter. She said the program is really geared to assist single individuals or families, and they would like to focus on serving those individuals.

Michel said legal counsel suggested we tighten up the application process and make sure that VUMC has the eviction process spelled out. If we did the two month extension, we would work on the permit itself and include some language in the ordinance to make sure it aligns with state law regarding camping. And to provide a little more clarity in the contract and the process so all involved are on the same page. He said we also need to change it from two camps to only one.

Councilor Kenney said one of Governor Brown's Executive Orders was extended by House Bill 4213 until September 30, 2020 which is an eviction moratorium. He is curious if this would fall under that category.

Michel said he hasn't heard anything about it from legal counsel but he will follow up.

Mayor Weiss said he felt the Council is in a position to authorize a two month extension.

**MOTION: Councilor Cotter made a motion to authorize the City Administrator to authorize a two-month extension of the Site Permit Agreement as it stands with Valley United Methodist Church. Councilor Coy seconded the motion which passed with a vote of 5-0.**

b. Community Development Director.....Evan MacKenzie

(1) Code Enforcement Trends in 2020

MacKenzie said Michel asked staff to prepare materials to track planning, code enforcement, and building permit numbers and activity. He reviewed all of the graphs and asked for input from the Council regarding which chart they found most useful.

Councilor McCoy said the first chart is very detailed but difficult to read.

MacKenzie said the first chart doesn't give absolute numbers but includes everything that comes in throughout the year.

Mayor Weiss said he wonders if the categories could be grouped differently and not include so much detail.

Councilor Cotter said there is a lot of information and it looks nice, but for information purposes, simple bar graphs and definitions work best for him.

Councilor Coy agreed, he said the print should be larger so it's easier to read the detail and identify the trends. He said four categories are fine.

MacKenzie said he will provide the information monthly in a bar graph form and a year-end report will have more detail.

Councilor McCoy said the LCSO monthly police activity report is very easy to read and follow.

On another note, Councilor McCoy said her neighbor parks their trailer in their front yard, which Councilor McCoy told her is a violation of Veneta Municipal Code, which the neighbor wasn't aware is a code violation. Councilor McCoy asked staff if that information could be provided as a handout to residents. She suggested a seasonal pamphlet, tall grass and parking in the summer and so forth.

MacKenzie suggested that information could be included in the newsletter.

In response to a question from Michel, it was the consensus of the Council that they would like to see this information (planning, code enforcement, and building permit activity) monthly under the consent agenda.

c. Finance Director.....Shauna Hartz

(1) Updating and Supplementing Penalties for Water Service Turn-On Without Authority

i. Agenda Item Summary

Hartz said a few years ago we did a pretty big over haul on water/sewer fees and charges but one area we didn't look at is the miscellaneous fees. There have been a couple of instances where some accounts were turned off for non-payment but the residents turned the meter back on. Public Works would then lock the meter and the resident would cut the lock and again turn the meter on. To address this, she is recommending we include substantial fees and the authority to write citations for water theft. She said this added language to the resolution provides more clarity for Public Works and City staff.

In response to a question from Mayor Weiss, Hartz said staff works with residents with payment options, payment promise dates, etc. and this would only be followed as a last resort.

In response to a question from Councilor Coy, Hartz said as stated in the resolution “. . . tampering with meter or City's equipment/infrastructure, could result in a citation from law enforcement personnel for tampering with a meter, turn-on without authority, violation of VMC 13.05.220 (Unauthorized Water Use), and/or theft of services . . .” and that \$160 charge would cover that.

In response to a question from Mayor Weiss, Hartz said it's a rarity but Traci and the public works crews know where water has been turned off for lack of payment and monitor the situation to ensure it doesn't escalate.

Councilor Cotter said \$160 doesn't seem like enough to cover those costs.

Hartz said there's a \$40 charge to restore service following a turn off for non-payment. The penalty for turning the water back on without authority is \$80 and the meter may also be locked or removed. If this happens a second time, the penalty is \$160.00 and the meter may also be removed. The third offense can result in a citation being issued for theft of services.

ii. Public Comment

None

iii. **Resolution No. 1308** – A RESOLUTION ESTABLISHING WATER FEES, CHARGES, AND RATES AND GOVERNANCE FOR USERS AND USE OF THE VENETA MUNICIPAL WATER SYSTEM AND REPEALING RESOLUTION NO. 1282

**MOTION: Councilor Cotter made a motion to approve Resolution No. 1308, a resolution establishing water fees and rates for users of the Veneta municipal water system and repealing Resolution No. 1282, as presented. Councilor McCoy seconded the motion which passed with a vote of 5-0.**

(2) Financial Activity Fund Balance Report 4<sup>th</sup> Quarter FY2019/20

Hartz said this report represents all of the regular activity that happened for the entire fiscal year with the exception of year-end entries. It could be that these revenues and expenditures will change from this report when you see it in the audit. For example, in the law enforcement fund \$915,000 was budgeted but we've only paid \$600,000 because we haven't paid or recognized the expense for the fourth quarter. She didn't see anything else that was concerning to her.

d. City Administrator..... Matt Michel

(1) Extended Duration Use of Veneta Community Center by Fern Ridge School District for School Year 2020-21 Classroom Space During COVID-19

Michel said originally the School Superintendent informed him that the School District had arranged to purchase modular classrooms but there is a two to three month delay in delivery. The Superintendent then asked if they could use the community center until those modular classrooms arrived. Michel said shortly after that, Governor Brown extended school closures until after the first of the year and based on that, the Superintendent said they're not sure when and if they can hold school in person. The School District will re-assess the issue when they have a better idea of when kids can start attending school again. Michel said when the time comes, it would be the City's intent to block out a two to three months period for the School District.

Councilor Coy said we have several community groups that depend on using the Community Center.

Councilor Kenney said SANTA uses it and he agrees with Councilor Coy. He said, we have a lot of service groups that operate out of the Community Center and he's somewhat reserved about renting it to the School District for that amount of time.

Councilor Coy said the Service Center is not using the cafeteria and it may be a possibility for some of the service groups to use that space. He said if the decision is made to provide the School District with the Community Center, then those service groups will need to find another space to provide those needed services to the Community.

Mayor Weiss suggested Lane Fire Authority may be willing to make their conference rooms available.

Councilor McCoy suggested we continue to provide the Community Center to those service groups because School District is not likely to need the Community Center until spring time and the modular classrooms should be delivered by then.

Mayor Weiss suggested postponing the decision tonight and readdress this in a couple of months based on an update from the School Superintendent.

Michel said he will inform the School Superintendent that the Council will have the discussion when the School District has a need for the Community Center.

(2) Eligible Expenditures for Federal Coronavirus Relief Fund Reimbursements Dollars Designated for the City of Veneta by the State of Oregon

Michel said this is information only but is open for discussion. He said this money is available

for reimbursement but with strings attached. The City has \$141,000 available in reimbursement funds specifically for unbudgeted items. He said the City purchased portable dividers for some work areas as well as mask and hand sanitizer stations for City Hall. He said the City Architect is working on a couple of scenarios to get the Planning Dept. back here and out of the Service Center. One option would be to remodel the existing Council room to provide work space for the Planning Dept. and construct a new Council room to create that separation. He said the League of Oregon Cities (LOC) indicated the money needs to be spent, within the guidelines, by December 30<sup>th</sup>. He said the money can also be used to cover the extra cleaning of the Community Center between uses.

Councilor Cotter asked for clarification if the funds need to be spent by December 30<sup>th</sup> or committed by that date. He said we couldn't complete an addition to City Hall in three months but we could get started on it.

Michel said it's his understanding that the funds need to be committed or secured by that time.

Councilor Kenney said \$141,000 isn't enough money to get it constructed but would likely cover the design and the architectural drawings. Then the City would need to find a way to cover construction costs at a later date.

Michel said currently the City architect is working on different options, moving walls, an addition, etc.

Councilor Kenney said if we do decide to add to City Hall, he would like to see a small office space be included for the Mayor.

Councilor Cotter suggested the City purchase portable hand sanitizer stands which can be used at year round events.

Councilor Coy said portable hand washing stations should also be purchased.

Mayor Weiss said the Oregon Country Fair (OCF) has all of those things and they don't use them during that time of year, maybe we could borrow them.

(3) Middle-Mile Fiber Optic Project Update: Lease of Zayo Fiber by LCOG on Behalf of the City of Veneta

Michel said this is information only. The City of Veneta recently secured leased access to 6.6 miles of internet fiber-strands as a significant part of the Middle-Mile Fiber Optic project. He said this is a significant victory for the City but about 1.75 miles of internet fiber-strands are still needed to complete the project. He said we couldn't have done it without LCOG and kudos to Lane Transit District (LTD) for putting out a public call to anyone who needed fiber. Also, the visionary leadership that an Oregon Dept. of Fish & Wildlife Realty Section employee took gave us a fighting chance to figure out how to make it work.

Mayor Weiss said the City owes some gratitude to Michel and Ingham.

Michel said at their next meeting, the Economic Development Committee will discuss moving forward to cover the 1.75 miles of strand still needed.

In response to a question from Councilor Coy, Michel said they have until next March when the fiber becomes commercially available to get that last section figured out.

(4) League of Oregon Cities Designation of Voting Delegate

Mayor Weiss said LOC has their annual conference held in a different city every year but this

year the conference will be held virtually. He said LOC asks cities to cast one vote for the 2021 LOC Board of Directors at the membership meeting held Thursday, October 15<sup>th</sup> at 2:15 p.m. He is nominating himself as the voting delegate and Michel as the alternative voting delegate.

**MOTION: Councilor Cotter made a motion to designate Keith Weiss as the primary voting delegate and Matt Michel as the alternate voting delegate at the 2020 Annual LOC membership meeting. Councilor Coy seconded the motion which passed with a vote of 5-0.**

Michel handed out a draft of the overall League of Oregon Cities 2021 legislative priorities. He said the City's top four priorities ended up being the first, second, sixth, and ninth overall priorities. He said the draft priorities are based on input from 90 Oregon cities out of over 200.

- (5) Discuss cancelling August 24, 2020 City Council Meeting  
Michel said staff does not have anything urgent for the second August meeting.

After a brief discussion, there was a consensus of the Council to cancel the August 24<sup>th</sup> meeting.

- (6) Questions from Councilors  
In response to a question from Councilor Coy, MacKenzie said we have not heard anything from the developers of Sarto Village but the Madrone Ridge subdivision is moving along with work on all of their public improvements. He said they may not have them all done by their deadline but they are able to bond.

In response to a question from Mayor Weiss, MacKenzie said the developers of Madrone Ridge are not associated with Hayden Homes and therefore are not required to dedicate any park land for the Madrone Ridge Subdivision. He said the two developments are in the same general area but are not adjacent to one another.

Council Kenney said the Madrone Ridge property was sold separately prior to the Hayden Homes development.

MacKenzie said the listing realtor for the Hayden Homes land has all of the information about the overlay so any potential buyer is aware of all requirements to develop that land.

**6. OTHER**  
None

**7. ADJOURN**  
Mayor Weiss adjourned the Veneta City Council at 7:46 p.m.

  
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Keith Weiss, Mayor

ATTEST:

  
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Darci Henneman, City Recorder  
(Minutes prepared by DHenneman)